

**NOTICE OF PUBLIC HEARING
DEPARTMENT OF GAME, FISH AND PARKS**

A Public Hearing will be held at the Holiday Inn Convention Center, 305 North 27th Street, Spearfish, SD 57783 at 2:00 PM (Mountain Time), to consider adoption, amendment and repeal of Rules pertaining to:

1. ARSD Chapters 41:01:01 (Administrative hearings) through 41:01:02 (Definitions)

Effect: The amendment would insert gender neutral language and update authorities. The proposal would also create a title specific rule that exempts Department employees while performing their official duties. Proposal would also create new working definitions for the title.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

2. ARSD Chapter 41:02:01 (Licensing agents)

Effect: The proposed change would amend the language in the chapter for consistency purposes. The proposed change would also amend disconnecting licensing agent administrative rule in order to differentiate between suspensions and revocations. The proposed change will also amend form and style.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

3. ARSD Chapter 41:03:01 (Uses of parks and public lands)

Effect: The proposed amendments would create a unified time restriction for the state park system as well as public hunting and lake access areas. This would be

accomplished through a number of repeals and amendments to existing administrative rules. The other proposed changes include nomenclature clarification and consistency as well as style and form changes. Also, additional specific authorities would be identified for the basis of the administrative rule. The amendments would also consolidate similar rules into one rule. Alcohol would be prohibited at Bolton GPA.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

4. ARSD Chapter 41:03:02 (Motor vehicles on public lands)

Effect: The proposed changes would amend rules to provide clarity and eliminate unnecessary language. The proposal would also identify specific authorities as the basis for the rule. The changes would also repeal certain rules in effort to consolidate redundant rules.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

5. ARSD Chapter 41:03:03 (Park license and trail use pass)

Effect: The proposed change would provide additional clarity to rules and add specific authority. The change would also consolidate rules by repealing redundant and unnecessary language. The change would authorize additional days of free entrance into state parks. Style and form of certain rules would also be changed.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

6. ARSD Chapter 41:03:04 (Camping permits and rules)

Effect: The change would provide additional clarity and add specific authorities for the basis of rules. The changes would also address nomenclature inconsistencies. Style and form of certain rules would also be changed.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

7. ARSD Chapters 41:03:05 (George S. Mickelson Trail user service fee) through Chapter 41:03:06 (Snowmobile state recreational trail user service fee)

Effect: The proposed change would provide additional clarity and add specific authority as the basis for rules. The amendment would also extend the time periods that Mickelson Trail would be accessible. The proposed changes would also address nomenclature inconsistencies. Style and form changes would also be addressed.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

8. ARSD 41:06:03:07 (Tagging of antlers in the velvet stage)

Effect: The proposed change would repeal the requirement to tag antlers in the velvet stage.

Reason: HB 1023 from the 2019 legislative session repealed the statute that mandated the tagging of velvet antlers. As such, repeal of the administrative rule would comply the changes made by the legislature.

9. ARSD Chapter 41:06:03 (Possession, processing and transportation of game)

Effect: The proposed change would create new rules regarding the transportation of *whole cervid carcasses and high-risk Chronic Wasting Disease (CWD) cervid carcass parts.*

The proposed change would also create a new rule that prohibits the removal of whole cervid carcasses and high-risk cervid carcass parts from leaving a known CWD endemic area within South Dakota. A new rule would be created requiring hunters to dispose of out of state cervids, regardless of CWD status, and cervids harvested from a known South Dakota CWD endemic area through their waste management provider or a permitted landfill. A new rule would be created requiring wildlife processors to dispose of out of state cervids, regardless of CWD status, and cervids harvested from a known South Dakota CWD endemic area through their waste management provider or a permitted landfill.

Reason: CWD poses a serious challenge to wildlife managers and the implications of long-term sustainability and management of free-ranging deer and elk could be significant. The goal of these restrictions is to reduce the spread of CWD by limiting the artificial movement and disposal of cervid carcasses.

10. ARSD 41:06:04:03 (Hunting methods prohibited)

Effect: The proposed change would modify the prohibition of baiting from August 15 to August 1.

Reason: As a result of the September 1 start date for archery deer season, the change in date is appropriate to coincide with the season.

11. ARSD Chapter 41:09:11 (Taxidermists)

Effect: The proposal would create a new rule requiring taxidermist to dispose of out of state cervids, regardless of CWD status, and cervids harvested from a known CWD endemic area within South Dakota through their waste management provider or a permitted landfill.

Reason: CWD poses a serious challenge to wildlife managers and the implications of long-term sustainability and management of free-ranging deer and elk could be

significant. The goal of these restrictions is to reduce the spread of CWD by limiting the movement and disposal of cervid carcasses.

Interested persons will be given reasonable opportunity to submit data, opinions, arguments, and their views, either orally or in writing (or both) at the hearing. Persons unable to attend the hearing may mail data, opinions, arguments, and their views to the office of the Secretary of the Department of Game, Fish, and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501, or by going to the GFP website at <http://gfp.sd.gov/forms/positions>. All persons who desire to submit written data, opinions, arguments, and their views by mail or email are encouraged to mail or transmit the same in sufficient time so that it is received by and in the office of the Secretary of the Department of Game, Fish, and Parks 72 hours prior to the date of the hearing. Interested persons will be given reasonable opportunity to submit data, opinions, arguments and their views, either orally or in writing (or both) to the Commission for their consideration. All written and email comments must include the name, home town/city, and state of the person submitting the comments.

The above rule proposals are available for review on the internet by going to <https://rules.sd.gov/> and copies of the proposed rules may be requested from the office of the Secretary of the Department of Game, Fish, and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Any individuals with disabilities who will require a reasonable accommodation in order to participate in the hearing should submit a request to the undersigned at 605.773.3718 or 605.223.7684 (Telecommunication Device for the Deaf).

Dated this 9th day of August, 2019.



Kelly R Hepler
Kelly R. Hepler, Secretary

Notice of Public Hearing is published at the approximate cost of \$_____.